

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE EASTERN DISTRICT OF TEXAS  
3                   MARSHALL DIVISION

transcript produced on CAT system.)

1 APPEARANCES CONTINUED:

2 FOR THE DEFENDANT: MS. JULIEN ADAMS  
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4 Santa Monica, CA 90401

5 MR. DAVID ROSEN  
Murphy Rosen  
6 100 Wilshire Blvd.  
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7 Santa Monica, CA 90401

8 MS. ELIZABETH DERIEUX  
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10 Gladewater, TX 75647

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P R O C E E D I N G

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15 (Jury out.)

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17 COURT SECURITY OFFICER: All rise.

18 THE COURT: Be seated, please.

19 All right. Counsel, we received the

20 following note from the jury: The jury has reached a

21 verdict. January 23rd, 2014, at approximately 2:17

22 p.m., signed Ron Foster.

23 I assume Mr. Foster is the foreperson.

24 I'll hand the note to the courtroom deputy

25 to be made a part of the file.

1 And we'll bring in the jury.

2 COURT SECURITY OFFICER: Yes, sir.

3 All rise for the jury.

4 (Jury in.)

5 THE COURT: Be seated, please.

6 Mr. Foster, I understand you're the  
7 foreperson of the jury; is that correct?

8 THE FOREPERSON: That is correct, Your  
9 Honor.

10 THE COURT: Has the jury reached a verdict?

11 THE FOREPERSON: We have, Your Honor.

12 THE COURT: In that case, would you please  
13 hand the completed verdict form to the Court Security  
14 Officer who will bring it to me?

15 All right. Ladies and gentlemen, I'm going  
16 to announce the verdict at this time. And I want each  
17 of the members of the jury to listen particularly  
18 closely because after I have announced it, then I'm  
19 going to ask each of you that this is your verdict so we  
20 can confirm on the record that it is unanimous.

21 Turning to the completed verdict form.

22 Question 1: Did Beneficial breach the  
23 settlement agreement? The answer is yes.

24 Question 2: Having answered Question 1,  
25 yes, is Google entitled to recover nominal damages in

1 the amount of one dollar? The answer is yes.

2 And the verdict form is dated with today's  
3 date and signed by Mr. -- Mr. Foster as the foreperson  
4 of the jury.

5 Ladies and gentlemen, let me poll you and  
6 make sure that this is the unanimous verdict of all  
7 eight members of the jury.

8 If this is your verdict, as I have read it,  
9 would you please stand?

10 (Jurors stand.)

11 THE COURT: Thank you. You may be seated.

12 Let the record reflect that in response to  
13 the Court's question, all eight members of the jury  
14 immediately stood to confirm that the verdict as read  
15 into the record is their unanimous verdict.

16 Ladies and gentlemen, this now completes the  
17 trial of this case. From the beginning, I have  
18 instructed you repeatedly about not discussing the case  
19 with anyone and not discussing it among yourselves until  
20 you retire to deliberate.

21 I'm releasing you from those obligations  
22 now. You're free to talk about this case among  
23 yourselves, with your friends, your family, with anyone  
24 of your choosing, but I want you to also understand by  
25 the same token, you are not required to talk about this

1 case with anyone. That is strictly your decision and up  
2 to you. I know that the lawyers in this case would be  
3 most interested in hearing from you if you're interested  
4 in talking to them.

5 But you also need to understand that under  
6 the custom and practice in this court, they cannot come  
7 up to you and ask questions or initiate a conversation.  
8 If you have a desire and are willing to discuss the case  
9 and your service as jurors in this case with any of the  
10 lawyers, then you have to go up to them and initiate the  
11 conversation. If you choose not to, you will be free to  
12 walk right by them and they will not stop you or  
13 initiate a conversation with you. It is in your hands,  
14 and it is your decision.

15 Also, ladies and gentlemen, on behalf of the  
16 Court and our entire staff, I want to thank you for your  
17 service in this case. This is an important case to both  
18 parties, and without your willingness to serve, we could  
19 not have resolved this dispute as we have by way of your  
20 verdict. I do sincerely believe that you have rendered  
21 significant public service as citizens. And it's  
22 something that you should each be proud of.

23 We do live in a country that's unique in all  
24 the world in allowing and guaranteeing to each citizen  
25 a right to a trial by jury in a civil case. Other

1 country -- other democracies allow a right to trial in a  
2 criminal case, but only the United States guarantees  
3 each citizen under our 7th Amendment a right to trial by  
4 jury in a civil case, and that right is only as strong  
5 as the willingness of our citizens to participate in  
6 jury service as you have done. So you should rightly be  
7 pleased and proud of what you've done. It is no small  
8 thing.

9           As I indicated, I'm about to release you  
10 from your service as jurors. I do have one request to  
11 make of you, and this is my personal practice since I've  
12 been on the bench. Once I excuse you, you're free to  
13 leave immediately, but my request would be that rather  
14 than just immediately leave the courtroom, that you  
15 retire back to the jury room for just a couple minutes  
16 extra and give me the opportunity to come back and  
17 personally shake each hand and thank you face-to-face  
18 for your service. I try to do that in every jury trial  
19 where a verdict is returned, and I would certainly  
20 appreciate that opportunity with you, but I want you to  
21 understand that's not mandatory. Your service is now  
22 complete, and you're free to leave if you choose to.  
23 But if you'd do me the honor of letting me thank you in  
24 person and keep you just a few minutes extra, I would  
25 certainly appreciate it.

1           As I indicated earlier, this completes the  
2 trial of this case. You are released from your service  
3 as jurors. If you're willing to, I will see you in the  
4 jury room in just a few minutes, otherwise, you're free  
5 to go.

6           COURT SECURITY OFFICER: All rise.

7           (Jury out.)

8           THE COURT: All right. For the record, I'll  
9 hand the original executed verdict form to the courtroom  
10 deputy to be included among the papers of this case.

11           Counsel, that completes the trial of this  
12 cause. You are released. Thank you for your  
13 participation.

14           (Court adjourned.)

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1 CERTIFICATION

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3 I HEREBY CERTIFY that the foregoing is a  
4 true and correct transcript from the stenographic notes  
5 of the proceedings in the above-entitled matter to the  
6 best of my ability.

7

8

9 /s/  
SHELLY HOLMES Date  
10 OFFICIAL REPORTER  
State of Texas No.: 7804  
11 Expiration Date: 12/31/14

12

13 /s/  
SUSAN SIMMONS Date  
14 COURT REPORTER  
State of Texas No.: 267  
15 Expiration Date: 12/31/14

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